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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,123	02/18/2005	Ralf Neuhaus	2002P06371WOUS	2961

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/525,123

Applicant(s)

NEUHAUS ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-9-2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,12,14,18,25-27 and 30-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,12,14 and 31-39 is/are rejected.
- 7) ☒ Claim(s) 18,25-27 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 10, 12, 14, 18, 25-27 and 30-39 have been considered but are moot in view of the new ground(s) of rejection.

1. The Abstract and Title were not changed. The USC 112 rejection is overcome.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should **avoid** using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this **invention**," "The disclosure describes," etc.

> The word "invention" should be removed/changed

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

> The title should convey a better meaning of the essential operations being performed (eg. it appears that the claims recite limiting how many software licenses can be used at one time, per claim 19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 12, 14, 31-39 rejected under 35 U.S.C. 103(a) as being unpatentable over Baratti GB2,346,989 and further in view of Okamoto US 2002/0143801.

As per **claim 10**, Baratti teaches a method for providing resources a communication network having communication components (figure 1 shows a local area network that inherently allows computers to use resources within the network, eg. client/server relationship) the method comprising:

providing a service to the communication network via a software running on a communication component, the communication component running the software includes a hardware resource required for use by the software in order to provide the service AND establishing a connection from a second communication component to the communication component providing the service to the communication network; (figure 1 shows user PC's which provide processors that can run resources, eg. software programs. Figure 1 also shows that there are License Servers which can provide licenses to the user PC's such that they can operate various programs which require said licenses in order to execute);

but is silent on checking the second communication component for the existence of the hardware resource;

transferring a copy of the software from the communication component running the software to the second communication component and in response to a positive check for the existence of the hardware resource.

Baratti focuses on transferring Licenses (or just affirming that the PC can run various software) but does not truly teach downloading software -- figures 2-3 shows that a license server will initiate transfer of the software/license to the user so that it can

run the selected program AND figures 2-3 shows the process whereby a first component/PC checks, via the network, with a second component/PC if it can supply the software/license.

Okamoto teaches checking for software (eg. new versions) and then downloading software (abstract, figure 3 and figure 4).

It would have been obvious to one skilled in the art at the time of the invention to modify Baratti, such that checks are performed and a copy of the software is downloaded, to provide for a combined version management/license server design which reduces the number of servers needed.

With further regard to claim 32, Baratti teaches checking for hardware and authorization (abstract and figures 2-3 show that both the user must request a license and the server must provide the license via a communications component/LAN. The examiner notes that LANs typically employ security measures, via Log-in and passwords, etc., to only allow authorized users to access the network).

With further regard to claims 35-39, Baratti teaches checking for hardware and authorization while Okamoto teaches checking for more up-to-date software versions (Abstract), which reads on the claim. Okamoto teaches (at least) checking for version updates when powering-up/logging into the network, one skilled would also set a time period for automatically checking for new versions as well. With regard to claims 37-39, one skilled understands that the computers/components can be configured to check for new versions either at power-up/logon and/or at certain intervals, hence after determining it is time to check the copy would be transferred in response to finding a newer version and positive authorization/availability.

As per **claims 12 and 34**, the combo teaches claim 10/32, wherein after a time period the service is not used in the second component, the software is automatically uninstalled. (page 5, L12-15 teaches that after a user is finished with the software license, the license server “takes back” the license and increments the number of licenses available. Hence, the user can no longer activate the program unless they ask for another license. This reads on the claim since the program is essentially

“deactivated” when finished with the program. The examiner also notes that it would be cumbersome to continually uninstall and then install programs across the network, hence licenses allow/prevent the use of the programs without the bulky file transfers that would be required for an across-the-LAN installation).

As per **claims 14 and 33**, the combo teaches claim 10/32, wherein checking that a license is available for the software and the copy is transferred in response to the positive check for the existence of hardware and a positive check for the available license (abstract teaches a license server which has a limited number of licenses to give out. Also see figure 2, step #209).

As per claim 31, the combo teaches claim 10, further comprises: initiating by the second communication component a search for the communication component providing the service; and locating the oommunication component providing the service, Wherein the connection is established in response to locating the communication component (Baratti teaches a LAN communication network whereby the PC's must either search for and/or be given the IP Address of the License Servers. The same would be true for them to locate Okamoto's Version Management Servers).

Allowable Subject Matter

Claims 18, 25-27 and 30 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA
PRIMARY EXAMINER
[Signature]
1-22-2007